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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/616,185

07/08/2003

Mark L. DiRe

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07/06/2006

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EXAMINER

WHITE, RODNEY BARNETT

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/616,185		DIRE, MARK L.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Rodney B. White		3636	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 April 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurze (U.S. Patent No. 5,884,350) in view of May et al (U.S. Patent No. 6,102,476).

Kurze teaches the structure as claimed including an intra-oral light 42 but does not teach the structures of the display screen, armrest controller electrically coupled to the display screen, directional speakers formed in the headrest and coupled to the controller for providing sound in limited directions, and software configured to providing access to a computer network. However, May et al teach such structures to be old such as display screen 44, armrest controller 39 electrically coupled to the display screen, directional speakers 40 formed in the headrest and coupled to the controller for providing

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sound in limited directions, and software configured to providing access to a computer network and webpage of the service provider via the Internet, displaying images from the network, and inherently teaches capabilities of a touch screen, additional controllers remote from the armrest of the chair, since it has an integrated computer, a digital video camera (See column 4, lines 37-39. Also, see Figures and Specification). It would have been obvious and well within the level of ordinary skill in the art to modify the chair, as taught by Kurze, to include the computer correlated services and capabilities, as taught by May et al, since it would allow the patient to entertain himself or listen to soothing music while waiting and would allow both the patient and the dental staff access to his records, X-Rays, work completed in previous office visits and work to be completed, as well as payment or insurance records and a number of other services that computers make easier for businesses as well as dental care and healthcare providers.

Claims 1-3, 6-9, and 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurze (U.S. Patent No. 5,884,350) in view of Wynn (U.S. Patent No. 6,092,868).

Kurze teaches the structure as claimed including an intra-oral light 42 but does not teach the structures of the display screen, armrest controller electrically coupled to the display screen, directional speakers formed in the headrest and couple to the controller for providing sound in limited directions, and software configured to providing access to a computer network. However, Wynn teach such structures to be old such as

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display screen 24, armrest controller 17,23,28 electrically coupled to the display screen, directional speakers 29 formed in the headrest an couple to the controller for providing sound in limited directions, and software configured to providing access to a computer network and webpage of the service provider via the Internet, displaying images from the network, and inherently teaches capabilities of a touch screen, additional controllers remote from the armrest of the chair, since it has an integrated computer, a digital video camera (See column 4, lines 37-39. Also, see Figures and Specification). It would have been obvious and well within the level of ordinary skill in the art to modify the chair, as taught by Kurze, to include the computer correlated services and capabilities, as taught by Wynn, since it would allow the patient to entertain himself or listen to soothing music while waiting and would allow both the patient and the dental staff access to his records, X-Rays, work completed in previous office visits and work to be completed, as well as payment or insurance records and a number of other services that computers make easier for businesses as well as dental care and healthcare providers.

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castellini (Patent No. EP 584439 A1) in view of May et al (U.S. Patent No. 6,102,476).

Castellini teaches the structure as claimed including an intra-oral light 8 and even a monitor 14 and processing unit 13a but does not teach the structures of the display screen interconnected to a computer, armrest controller electrically coupled to the display screen, directional speakers formed in the headrest an couple to the controller

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for providing sound in limited directions, and software configured to providing access to a computer network. However, May et al teach such structures to be old such as display screen 44, armrest controller 39 electrically coupled to the display screen, directional speakers 40 formed in the headrest and couple to the controller for providing sound in limited directions, and software configured to providing access to a computer network and webpage of the service provider via the Internet, displaying images from the network, and inherently teaches capabilities of a touch screen, additional controllers remote from the armrest of the chair, since it has an integrated computer, a digital video camera (See column 4, lines 37-39) Also, see Figures and Specification). It would have been obvious and well within the level of ordinary skill in the art to modify the chair, as taught by Castellini, to include the computer correlated services and capabilities, as taught by May et al, since it would allow the patient to entertain himself or listen to soothing music while waiting and would allow both the patient and the dental staff access to his records, X-Rays, work completed in previous office visits and work to be completed, as well as payment or insurance records and a number of other services that computers make easier for businesses as well as dental care and healthcare providers.

Claims 1-3, 6-9, and 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castellini (Patent No. EP 584439 A1) in view of Wynn (U.S. Patent No. 6,092,868).

Castellini teaches the structure as claimed including an intra-oral light 42 but does not teach the structures of the display screen, armrest controller electrically coupled to the display screen, directional speakers formed in the headrest and coupled to the controller for providing sound in limited directions, and software configured to providing access to a computer network. However, Wynn teaches such structures to be old such as display screen 24, armrest controller 17, 23, 28 electrically coupled to the display screen, directional speakers 29 formed in the headrest and coupled to the controller for providing sound in limited directions, and software configured to providing access to a computer network and webpage of the service provider via the Internet, displaying images from the network, and inherently teaches capabilities of a touch screen, additional controllers remote from the armrest of the chair, since it has an integrated computer, a digital video camera (See column 4, lines 37-39. Also, see Figures and Specification). It would have been obvious and well within the level of ordinary skill in the art to modify the chair, as taught by Castellini, to include the computer correlated services and capabilities, as taught by Wynn, since it would allow the patient to entertain himself or listen to soothing music while waiting and would allow both the patient and the dental staff access to his records, X-Rays, work completed in previous office visits and work to be completed, as well as payment or insurance records and a number of other services that computers make easier for businesses as well as dental care and healthcare providers.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Condon teaches a intra-oral light 42. Lew teaches a touch screen. Huiban teaches a video camera.

### **Remarks**

Examiner spoke with Russell Tarleton (#31,800) to possibly allow the case based on the addition of the "intra-oral light" because while May et al taught all of the structure in the original claims, there was no need to modify the May et al chair with an "intra-oral light" since that chair was not intended for use as a dental or surgical chair. However, Claim 9, are basically the same as Claims 1-2 the only difference being that Applicant adds the "computer system" and "display screen" and "controller" for providing access to the Internet. So, it seems Kurze and Castellini, both of which include an "intra-oral light" or lamp, can easily be modified to include a computer system, especially since Castellini already has a "monitor 14" and "processing unit 13a". And since Kurze and Castellini are being modified to include the computer systems of May et al And Wynn, it is inherent that they are capable of including the software and controller as defined in Claims 1, 9, and 14.

### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

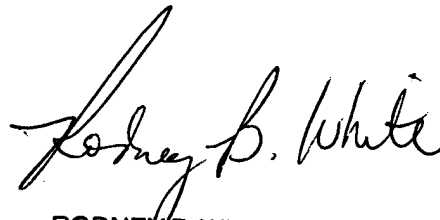
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (571) 272-6863. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rodney B. White,  
Patent Examiner  
Art Unit 3636  
June 28, 2006



RODNEY B. WHITE  
PRIMARY EXAMINER